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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 IN RE SUNRUN INC. SECURITIES
LITIGATION

Case No. 3:17-cv-02537-VC

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING STAY
AS MODIFIED**

1 This stipulation is entered into in the above-captioned action (the “Action”) by and among
2 Lead Plaintiffs Ricky Elmore, Dmitri Karpov, William McCormick, Joseph McIntire, and Alice
3 Twomey (collectively, “Lead Plaintiffs”) and defendants Sunrun Inc., Lynn Michelle Jurich, and
4 Robert Patrick Komin, Jr. (collectively, “Defendants”), by and through their respective attorneys
5 of record, as follows:

6 WHEREAS, in a July 19, 2018 order, the Court granted Defendants’ Motion to Dismiss
7 Plaintiffs’ Second Amended Class Action Complaint for Violations of Federal Securities Laws
8 with leave to amend and gave Lead Plaintiffs until August 16, 2018 to file a third amended
9 complaint (the “Third Amended Complaint”);

10 WHEREAS, subject to Court approval and definitive documentation, the parties have
11 reached an agreement to settle the Action and have entered into a memorandum of understanding
12 setting forth material terms of the proposed settlement;

13 WHEREAS, the parties intend promptly to negotiate and finalize a Stipulation of
14 Settlement, and thereafter Lead Plaintiffs will file a motion for preliminary approval of the
15 settlement of the Action;

16 WHEREAS, pending Court approval, the parties wish to obtain the full benefits of the
17 settlement—including reducing legal expenses and minimizing the burden on Court and the
18 parties of continuing to litigate this Action; and

19 WHEREAS, the parties agree that staying all proceedings in this Action, except those
20 related to the settlement, is prudent and will conserve party and judicial resources.

21 THEREFORE, the parties hereby stipulate and respectfully request that:

22 1. The deadlines set by the Court for the filing of a Third Amended Complaint and
23 briefing on any motion to dismiss that complaint in its July 19, 2018 and August 3, 2018 Orders
24 (Dkt. Nos. 90 and 96) shall be vacated;

25 2. All proceedings in the Action, except those related to the settlement, shall be
26 stayed from the date this stipulation is approved by the Court;

27 3. The parties reserve the right to modify this Stipulation, with the Court’s approval,
28 if necessary and as appropriate.

Dated: August 10, 2018

POMERANTZ LLP

By: /s/ Austin P. Van
Austin P. Van

Attorneys for Lead Plaintiffs

Dated: August 10, 2018

FENWICK & WEST LLP

By: /s/ Susan S. Muck
Susan S. Muck

Attorneys for Defendants
Sunrun Inc., Lynn Michelle Jurich and
Robert Patrick Komin, Jr.

* * *

Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in the filing of this stipulation.

Dated: August 10, 2018

/s/ Susan S. Muck
Susan S. Muck

~~PROPOSED~~ ORDER AS MODIFIED

Pursuant to the foregoing stipulation, IT IS HEREBY ORDERED that:

1. The deadlines set by the Court for the filing of a Third Amended Complaint and briefing on any motion to dismiss that complaint in its July 19, 2018 and August 3, 2018 Orders (Dkt. Nos. 90 and 96) are hereby vacated;
2. All proceedings in the Action, except those related to the settlement, shall be stayed from the date this stipulation is approved by the Court;
3. The parties reserve the right to modify this Stipulation, with the Court's approval, if necessary and as appropriate.

Dated: August 14, 2018



The Honorable Vince Chhabria
United States District Judge

***The deadline to file the motion for preliminary approval of the settlement is September 27, 2018.**